

**Georgia State Records Committee  
Records Series Profile  
Records Retention Schedule**

**Application #881230-01**

**Sheet: 1 of 1**

**Schedule #: 74-0156-A  
Effective Date: 09/26/96**

**Supersedes Schedule #: 74-0156-A  
Effective Date: 05/31/83**

**Agency Code: 0442**

**Agency: Department of Law**

**Creating**

**Office: Criminal Justice Division  
Post-Conviction Section (Non-death Penalty)**

**Series/Title**

**Dates: Capital Felony Appeal and State and Federal Habeas Corpus Litigation Case Files, 1969-[Ongoing]**

**Access: Confidential: O.C.G.A. § 24-9-21 and § 24-9-24**

**Class: Individual**

**Function**

**Documented: Representing the State in appeals of non-death penalty capital felony cases to the Georgia Supreme Court, Eleventh Federal Circuit Court of Appeals, Federal District Courts, and the United States Supreme Court; and defending habeas corpus actions brought by inmates of State penal institutions.**

**Consists of: Case folder(s) for each containing copies of pleadings, briefs, court orders, notifications, hearing transcripts, memoranda, and related documents.**

**NOTE: Case files meeting criteria for litigation of historical importance are covered separately under Records Retention Schedule No. 92-0003, "Litigation Case Files of Historical Importance."**

**Arrangement: Chronologically by year case closed; thereunder alphabetically by name of petitioner.**

**Index: Computerized locator index maintained by office**

**Media: Paper**

**Retention**

**Requirements: Administrative: Fifteen (15) years**

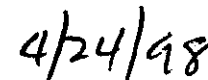
**Disposition**

**Instructions: When case is closed, place case folder(s) in inactive file.  
Cut off inactive files semiannually.  
Transfer to State Records Center; hold fourteen-and-one-half (14.5) years.  
Destroy.**

This records series profile gives the records retention plan and disposition instructions approved by the State Records Committee for the named records series by the named creating office.



**Edward Weldon  
Secretary of State Designee**



**Date**

**Georgia Department of Archives and History  
State Records Center  
Records Retention Schedule Application  
Resource Impact Statement**

Application #881230-01

Sheet: 1 of 1

Schedule #: 74-0156-A  
Effective Date: 09/26/96

Agency Code: 0442  
Agency: Department of Law - Criminal Justice Division, Post-Conviction Section (Non-death Penalty)  
Series/Title  
Dates: Capital Felony Appeal and State and Federal Habeas Corpus Litigation Case Files, 1969-[Ongoing]  
Access  
Restrictions: Confidential: O.C.G.A. § 24-9-21 and § 24-9-24

The Department of Archives and History and the Office of Secretary of State request the following information for planning and budgeting. GDAH/SOS agreements to provide storage and reference services for these records will be conditioned on the information provided here.

Volume (in cubic feet) to be transferred if this application is approved: 266 \*

Anticipated volume (in cubic feet) of records to be transferred each year: 108

\* Files for 1994/1995; extra for '95 because of reorganization.  
Number of times it is anticipated that the files in the next transfer (accession) will be retrieved for reference or other use by the creating office:

During the first six (6) months: 13 Second six (6) months: 13

Can an increase in demand for retrieval of these files be anticipated at any time in the life of these files?

Yes: \_\_\_\_\_ No: x If "Yes", explain: \_\_\_\_\_

Do the files in this series require any special handling? Yes: \_\_\_\_\_ No: x If "Yes", explain: \_\_\_\_\_

Will records be transferred in standard records center storage containers (10"x 12"x 15" nominal size)?

Yes: x No: \_\_\_\_\_ If "No", describe: \_\_\_\_\_

Type storage container: \_\_\_\_\_ Size: \_\_\_\_\_  
(height x length x width)

Attach a sample page from the folder inventory you plan to send with the records transferred to the State Records Center. A listing of each folder by title, in the same order as the folders are arranged in each box, must accompany the request for transfer and storage.

Submitted by: Donna Strickland, Records Management Officer 10/9/96  
Name/Title of Department of Law Representative Date

Received by: Edward Weldon 4/24/98  
Name/Title of Department of Archives Representative Date

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## APPLICATION FOR RECORDS RETENTION SCHEDULE

OFFICE OF THE SECRETARY OF STATE  
DEPARTMENT OF ARCHIVES AND HISTORY  
RECORDS MANAGEMENT DIVISION

**INSTRUCTIONS:** See Publication No. 76-RM-1 for instructions on completing this form. Forward signed original to Department of Archives and History, Records Management Division, 330 Capitol Avenue, Atlanta, Georgia, 30334, Attention: Scheduling Section.

<b>FOR AGENCY USE</b> Application Date 3/21/83 Application Number	<b>1. Agency Address</b> State Law Dept. - Criminal Div. 132 State Judicial Bldg. 40 Capitol Square Atlanta, GA 30334	<b>FOR RECORDS MANAGEMENT USE</b> Application Number 74-156-A Date Received      Date Completed APR 21 1983      MAY 31 1983
<b>2. Person to Contact</b> <b>Working Title</b> <b>Telephone Number</b> William B. Hill, Jr., Assistant Attorney General      656-3359		
<b>3. Action Requested</b> a. <input type="checkbox"/> Establish Retention Schedule; record will continue to accumulate. b. <input type="checkbox"/> Dispose of present accumulation; no further accumulation anticipated. c. <input checked="" type="checkbox"/> Amend Application No. 74-156      Check One: <input checked="" type="checkbox"/> Change; <input type="checkbox"/> Supersede; <input type="checkbox"/> Void		
<b>4. Dates of Series</b> Earliest      Latest 1969      Current	<b>5. Records Series Title (followed by title used in office, if different)</b> Inactive capital felony appeals and state and federal habeas corpus case files.	
<b>6. Division and Office Function</b> What is the function of the Division and the Office in which this record series is created?  The Criminal Division represents the State in appeals to the Supreme Court of Georgia, 11th Circuit Court of Appeals, Federal District Courts, United States Supreme Court of convictions of capital felonies and defends habeas corpus actions brought by inmates of State penal institutions.  Included are copies of pleadings, briefs, court orders, notifications, transcripts and memoranda. Files are arranged alphabetically by name of petitioners.		
<b>7. Record Series Description</b> This file contains the following documents (include form numbers and titles, if any): Attach samples of the file.  Documents relating to:  Included are:  Copies of pleadings, briefs, court orders, notifications, transcripts and memoranda.   File is arranged:    Alphabetically by petitioners' names.		
<b>8. Monthly Reference Rate</b> How often are records referred to which are: One to six months old <u>20</u> ; Seven to twelve months old <u>10</u> ; Thirteen to twenty-four months old <u>8</u> ; twenty-five months and older <u>4</u> ?		
<b>9. Annual Rate of Accumulation of Records</b> Letter-size drawers _____; Legal-size drawers _____; Shelves _____; Other (specify) <u>33 boxes yr.</u>		

YES	NO	10. Questionnaire (Place an "X" in the proper column)
	X	a. Is this the official copy of the series? If not, where is it? <u>With the appropriate court</u>
X		b. Does the series contain confidential information requiring security handling? If yes, cite law or regulation. <u>Attorney-Client Privilege, §§ 24-9-21 &amp; 24-9-24</u>
	X	c. Is this a vital record?
	X	d. Does this series have historical or long term research value?
	X	e. When one or two documents in the file make it necessary to keep the entire file for a long period, could these documents be scheduled separately?
	X	f. Is the information contained in this series ever published? If yes, attach copy.
	X	g. Is the information contained in this series ever analyzed and/or recorded in a summarized report? If yes, attach copy.
	X	h. Is there a duplication of this series in your office, or in another office or agency? If yes, where?
	X	i. Is this series (or a major portion of it) regularly microfilmed?
	X	j. Does the record series result in a computer printout?

#### 11. Retention Requirements

The following requires the series to be kept:

- |                          |              |                                   |                  |
|--------------------------|--------------|-----------------------------------|------------------|
| a. State Law             | _____ years. | d. Audit period                   | _____ years.     |
| b. Statute of limitation | _____ years. | e. Administrative need            | <u>10</u> years. |
| c. Federal law           | _____ years. | f. Federal retention instructions | _____ years.     |

Attach copy or excerpt of laws or regulations. Explain administrative need.

#### 12. Approved Disposition Instructions

This agency recommends that the file series be cut off at the end of each:

☒ Calendar Year; ☐ Fiscal Year; ☐ Other \_\_\_\_\_ then,

- ☒ Hold in the current files area \_\_\_\_\_ month(s) 2 year(s); then
- ☐ Transfer to local holding area; hold \_\_\_\_\_ year(s); then
- ☒ Transfer to State Records Center; hold 8 year(s); then
- ☒ Destroy.
- ☐ Transfer to State Archives for permanent retention.
- ☐ Other (Specify)

These instructions apply to all prior and future accumulations of the series.

Agency Head/Designee (Signature)	Date	Records Management Officer (Signature)	Date
<i>William B. Full</i>	<u>3-25-83</u>	<i>Donna Stinson</i>	<u>3-21-83</u>
Recommendations in paragraph 12 are approved. (If disapproved, attach letter of explanation.)		State Records Committee (Signature)	Date
		State Auditor/Designee	<u>5-26-83</u>
		Secretary of State/Designee	<u>5/26/83</u>
		Attorney General/Designee	<u>5-27-83</u>



STATE  
OF  
GEORGIA

Application for  
RECORDS DISPOSITION STANDARD

OFFICE OF SECRETARY OF STATE  
DEPARTMENT OF ARCHIVES & HISTORY  
RECORDS MANAGEMENT DIVISION

PAGE  
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1. Application Date <b>May 7, 1974</b>	<b>INSTRUCTIONS</b> See separate instructions for completion of front and reverse of this form. Sign original and two copies and forward to Department of Archives and History, Attention: Records Management Officer.	FOR RECORDS MANAGEMENT DIVISION USE		
2. Agency Application No. <b>8</b>		Date Received <b>MAY 15 1974</b>	Application No. <b>74-156</b>	Date Completed <b>MAY 31 1974</b>
3. AGENCY, Division, Subdivision & Administering Office Address <b>Law Department Div. III Criminal State Judicial Building Atlanta, Georgia 30334</b>		4. Person to Contact <b>Robert H. Shell</b>		
		5. Working Title <b>Office Manager</b>	6. Tel. No. <b>656-3328</b>	

7. ACTION REQUESTED To Amend Application No. 10 dated 9-14-71  
☒ ESTABLISH DISPOSITION STANDARD; RECORD WILL CONTINUE TO ACCUMULATE. ☐ DISPOSE OF PRESENT ACCUMULATION; NO FURTHER ACCUMULATION ANTICIPATED.

8. Earliest & Latest Dates of Series <b>1969-1973</b>	9. Exact Series Title <b>Inactive Capital Felony Appeals and Habeas Corpus Case Files</b>
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10. What is the function of the office in which this record series is created?

The Criminal Division provides legal advice to the Department of Offender Rehabilitation, the Department of Public Safety, and the State Board of Pardons and Paroles. It represents the State in appeals to the Supreme Court of Georgia of convictions of capital felonies and defends habeas corpus actions brought by inmates of State penal institutions.

11. This file contains the following documents (include form numbers and titles, if any, and file arrangement).

Documents relating to: Defense in State and federal courts of capital felony and habeas corpus appeals brought about by inmates of State penal institutions.

Included are: Copies of pleadings; briefs; court orders; notifications; transcripts; and memoranda.

File is arranged: Numerically by case number.

ATTACH SAMPLES OF THE FILE

12. EQUIPMENT OCCUPIED	No. of Drawers	Cu. Ft. of Records	ANNUAL RATE OF ACCUMULATION	No. of Drawers Cu. Ft. of Records			
Letter-size File Drawers				12	30		
Legal-size File Drawers			Floor Space Occupied (Square Feet)	In Office(s)	In Storage Area(s)		
				30	0		
Legal size TAB file drawers	32	80	AVERAGE DAILY REFERENCES (per file drawer)	This Year's	Last Year's	Preceding Year's	All Prior Years
Cartons, storage	33	33		.15	.075	.05	.03

## QUESTIONNAIRE

Place an "x" in the proper column. If answer is "YES," please explain

YES NO

13. Is this the Record Copy of the series? ☒ [X] ☐ [ ]
14. Is there a duplication of this series in another office or agency?  
The essential papers are filed in the appropriate courts. ☒ [X] ☐ [ ]
15. Is the information contained in this series ever summarized or published?  
Attach copy of summary or publication. ☐ [ ] ☒ [X]
16. Does the series contain classified information requiring security handling? ☐ [ ] ☒ [X]
17. Does the series initiate, amend or terminate agency policies and procedures? ☐ [ ] ☒ [X]
18. Could the function be performed if the files were lost or destroyed?  
Could reconstruct files from court records. ☒ [X] ☐ [ ]
19. Is the series (or major portion of it) regularly microfilmed? If yes, why? ☐ [ ] ☒ [X]
20. Does the record series provide data as input to an EDP file? ☐ [ ] ☒ [X]
21. Does the record series contain documentation produced as EDP printout? ☐ [ ] ☒ [X]
22. Has the Federal Government issued instructions governing the retention/disposition of these files? ☐ [ ] ☒ [X]
23. Will there be a need for these records 10, 15 years from now? If yes, what? ☐ [ ] ☒ [X]

24. REQUIREMENTS. The following requires the files to be kept 7 years:

There is no specific requirement.

a. ☐ [ ] STATE LAW    b. ☐ [ ] STATUTE OF LIMITATION    c. ☐ [ ] AUDIT PERIOD    d. ☐ [ ] FEDERAL LAW    e. ☒ [X] ADMINISTRATIVE DECISION    f. ☐ [ ] HISTORICAL VALUE

(Cite Law, Statute, or other reason for the retention requirement)

After the court acts on a case, it is advisable to retain file for about seven (7) years for use if inmate submits another appeal. Some courts do not file briefs; only available copy is in these files.

25. AGENCY RECOMMENDATIONS. This agency recommends that the file series be cut off at the end of each ☒ [X] CALENDAR YEAR ☐ [ ] FISCAL YEAR ☐ [ ] OTHER \_\_\_\_\_, then:

☒ [X] Hold in the current files area \_\_\_\_\_ month(s)/ 3 year(s):☒ [X] Transfer to ☒ [X] State Records Center ☐ [ ] Local Holding Area; hold 4 year(s):☒ [X] Destroy.☐ [ ] Transfer to State Archives for permanent retention.☐ [ ] Destroy immediately after cut-off.☐ [ ] Other: (Specify)

The number of references to files within 3 years after closing makes it advisable to have files in current files area as many appeals are reopened or the person files another appeal. After seven years, chances of another appeal are remote.

\* (Indicate briefly rationale for recommendations above/or write additional remarks):

Records Management Officer (Signature)	Date	OTHER REQUIRED SIGNATURES	DATE
<i>[Signature]</i>	5/10/74		
26. Recommendations in paragraph 25 are:	Agency Head/Designee <input checked="" type="checkbox"/> [X] Approved <input type="checkbox"/> [ ] Disapproved	<i>[Signature]</i>	5/13/74
	State Auditor/Designee <input checked="" type="checkbox"/> [X] Approved <input type="checkbox"/> [ ] Disapproved	<i>[Signature]</i>	5-28-74
	Secretary of State/Designee <input checked="" type="checkbox"/> [X] Approved <input type="checkbox"/> [ ] Disapproved	<i>[Signature]</i>	5-28-74
	Attorney General/Designee <input checked="" type="checkbox"/> [X] Approved <input type="checkbox"/> [ ] Disapproved	<i>[Signature]</i>	5-28-74

STATE RECORDS  
COMMITTEE

STATE OF GEORGIA  
RECORDS SERIES PROFILE  
RECORDS RETENTION SCHEDULE  
APPLICATION # 920304-01

Sheet 1 of 2

SCHEDULE #: 92-0003

EFFECTIVE DATE: 12/30/92

Agency Code: 0442  
Agency: Law Department  
Creating Office: All Divisions

Series  
Title/Dates: "Litigation [Case Files] of Historical Importance," ca. 1965  
and continuing.

Access: Confidential (O.C.G.A. 50-18-98, 24-9-21, 24-9-24)

Class: Individual

Related to: The Law Department's representation of the state and its officers and employees in all federal and state courts in civil and criminal matters. The case files selected for inclusion in this records series are those determined to have continuing value not only as research material for other current and future cases, but as historical data. Division directors select, based on the eight factors below, cases from their division that document "litigation of historical importance." The Attorney General, or his appointed designee, makes the final determination on which cases to include in the series.

Factors considered in selecting "litigation of historical importance:"

1. Any case which was heard by the U.S. Supreme Court, any case before the Georgia Supreme Court, or Georgia Court of Appeals or a federal court which (a) declared a state law to be unconstitutional, or (b) concerned the powers of the Governor, the Supreme Court, the General Assembly or State Government.
2. Any capital felony case in which the defendant was executed.
3. Any criminal case in which a state elected official or an appointed official who is the chief administrative officer of a state department is charged and in which the charge is related to official conduct.
4. Any case which had an impact on conditions in society or which captured the attention of the public and was widely reported throughout the entire course of the case in the news media.
5. Any case in which the state brought suit against individuals or corporations in which the state sought damages, fines, or recovery exceeding \$10,000,000.00.
6. Any case the results of which caused a significant changes in state law.

continued on sheet 2 of 2

STATE OF GEORGIA  
RECORDS SERIES PROFILE  
RECORDS RETENTION SCHEDULE  
APPLICATION # 920304-01

Sheet 2 of 2

SCHEDULE #: 92-0003

EFFECTIVE DATE: 12/30/92

7. Any litigation involving State tax revenues in excess of \$500,000.
8. Class action and/or prison condition cases with court orders requiring compliance for an indefinite or lengthy period of time.

Included in the "Litigation [Case Files] of Historical Importance" are correspondence, pleadings, research, evidence, exhibits, transcripts of hearings and depositions, and other records relating to the case.

Case files not designated "litigation of historical importance" are maintained in accordance with the retention schedules approved for the case files of each division.

Arrangement: By case file; case files are arranged as listed on the inventory.

Retention Requirement: Continuing retention for historical and legal purposes.

Media: Paper

Disposition

Instructions: Cut off when case is concluded;  
Hold in current files area (1) year;  
Transfer to State Archives for continuing retention.

This records retention plan gives the State Records Committee approved retention instructions for the named records series by the named creating office.



Edward Weldon  
Secretary of State Designee

  
Date